

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
May 19, 2003

The REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL was held on Monday, May 19, 2003, at 7:48 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Charles E. Davis, Councilmember District No. 4; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Ms. Nicole Scott Ewing, Staff Attorney; and Ms. Barbara B. Austin, Clerk of County Council.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order and stated the invocation and pledge were done at an earlier meeting.

Chairman Rozier asked Council's approval of the minutes for Public Hearing, recommendation for Magistrates Courts, April 14, 2003; Public Hearing, CDBG Grant Application, Bill No. 03-17 (Amoco), Bills Numbered, 03-7, 03-8, 03-9, and Regular Council Meeting, April 28, 2003.

It was moved by Councilmember Fish and seconded by Councilmember Mims to approve the minutes as presented. The motion passed by unanimous voice vote Council.

Chairman Rozier indicated no one signed up for Public Discussion at the beginning of the meeting and the Executive Session was not needed.

THIRD READINGS:

“BILL NO. 03-12, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #197-00-02-029.” (Jeffrey and Victoria Hall)

It was moved by Councilmember Crosby and seconded by Councilmember Mims to approve **Bill No. 03-12** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-21 is attached to these Minutes.)

“BILL NO. 03-13, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #232-00-02-116.” (Tyner Development)

It was moved by Councilmember Charles Davis and seconded by Councilmember Fish to approve **Bill No. 03-13** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-22 is attached to these Minutes.)

“BILL NO. 03-14, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #222-00-00-107.” (Ralph E. Massenburg, Jr.)

It was moved by Councilmember C. Davis and seconded by Councilmember Mims to approve **Bill No. 03-14** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-23 is attached to these Minutes.)

“BILL NO. 03-15, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKLEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #095-00-00-027.” (Beverly A. Myzell)

It was moved by Councilmember Pinckney and seconded by Councilmember Fish to approve **Bill No. 03-15** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-24 is attached to these Minutes.)

“BILL NO. 03-17, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF NOT EXCEEDING 20,000,000 PRINCIPAL AMOUNT EXEMPT FACILITY INDUSTRIAL REVENUE BONDS (BP AMOCO CHEMICAL COMPANY PROJECT) SERIES 2003, OF BERKELEY COUNTY, SOUTH CAROLINA; THE APPLICATION OF THE PROCEEDS OF SAID SERIES 2003 BONDS TO PAY THE COST OF ACQUIRING CERTAIN EXEMPT FACILITIES AND FACILITIES FUNCTIONALLY RELATED AND SUBORDINATE THERETO WHICH COMPRISE AN INDUSTRIAL FACILITY; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE AFORESAID BONDS, INCLUDING, WITHOUT LIMITATION, AN INDENTURE OF TRUST BETWEEN BERKELEY COUNTY AND A TRUSTEE BANK TO BE NAMED, OR ANY SUCCESSOR THERETO SECURING THE SERIES 2003 BONDS AND PRESCRIBING MATTERS RELATED THERETO AND A LOAN AGREEMENT BETWEEN BERKELEY COUNTY AND BP AMOCO CHEMICAL COMPANY, AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve **Bill No. 03-17** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of ordinance No. 03-05-25 is attached to these Minutes.)

“BILL NO. 03-18, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND MARINE TERMINALS OF SOUTH CAROLINA, INC., WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH MARINE TERMINALS OF SOUTH CAROLINA, INC.; PROVIDING FOR PAYMENT BY MARINE TERMINALS OF SOUTH CAROLINA, INC. OF CERTAIN FEES-IN-LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Crosby and seconded by Councilmember Farley to approve **Bill No. 03-18** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-26 is attached to these Minutes.)

“BILL NO. 03-19, AN ORDINANCE TO AMEND ORDINANCE NO. 02-6-23, ADOPTED JUNE 24, 2002, TO PROVIDE FOR SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS THEREOF WITHIN THE 2002-2003 BUDGET FOR BERKELEY COUNTY; AND OTHER MATTERS PERTAINING THERETO.”

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to send **Bill No. 03-19** to Council for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-05-27 is attached to these Minutes.)

Chairman Rozier stated there were 12 Bills for Second Reading.

It was moved by Councilmember Mims and seconded by Councilmember Fish that all Bills for Second Reading be read by Bill numbers only. The motion passed by unanimous voice vote of Council.

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READINGS:

“BILL NO. 03-11, AN ORDINANCE TO AMEND CHAPTER 7 OF THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, TO PROVIDE FOR THE REGULATION OF THE USE OF PUBLIC AND PRIVATE WATER DISTRIBUTION SYSTEMS AND WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”

“BILL NO. 03-20, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #232-00-01-013, 014, 015, 016, & 017.”
(Lyde Bailey for Teddy & Mary Caddel)

“BILL NO. 03-21, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO THE APPROVED USES OF TMS #256-00-00-024.” (Steve C. Davis for Albertha Smalls)

“BILL NO. 03-22, AN ORDINANCE TO AMEND SECTION I OF ORDINANCE NO. 80-3-8 TO MODIFY THE REQUIREMENTS FOR APPOINTMENTS TO THE BERKELEY COUNTY AERONAUTICS COMMISSION.”

“BILL NO. 03-23, AN ORDINANCE PROVIDING FOR THE ADOPTION OF FISCAL YEAR 2003-2004 (BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004) BUDGETS FOR THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND; ESTABLISHING OPERATIONAL, DEBT SERVICE, AND CAPITAL IMPROVEMENT BUDGETS FOR WATER AND SEWER; AND TO PROVIDE FOR THE EXPENDITURES OF REVENUES COMING INTO THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY AND THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY SOLID WASTE FUND DURING THE FISCAL YEAR, AND TO AMEND THE CODE OF ORDINANCES, BERKELEY COUNTY, SOUTH CAROLINA, SETTING RATES, CHARGES AND PENALTIES FOR WATER AND SEWER AND SOLID WASTE SERVICE BY THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY.”

“BILL NO. 03-24, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE DEVON FOREST SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE DEVON FOREST SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 03-25, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE PIMLICO SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE PIMLICO SPECIAL TAX DISTRICT.”

“BILL NO. 03-26, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE SANGAREE SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SANGAREE SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“BILL NO. 03-27, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE TALL PINES SPECIAL TAX DISTRICT OPERATIONAL BUDGET; AND TO PROVIDE FOR THE

EXPENDITURES OF THE REVENUES RECEIVED BY THE TALL PINES SPECIAL TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 03-28**, AN ORDINANCE PROVIDING FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR THE OPERATIONAL BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT WITHIN THE UNINCORPORATED PORTIONS OF BERKELEY COUNTY; AND TO PROVIDE FOR THE EXPENDITURES OF THE REVENUES RECEIVED BY THE SPECIAL FIRE TAX DISTRICT DURING THE FISCAL YEAR.”

“**BILL NO. 03-29**, AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, AND ENDING JUNE 30, 2004, FOR BERKELEY COUNTY; TO PROVIDE FOR LEVY OF TAXES ON ALL TAXABLE PROPERTY IN BERKELEY COUNTY FOR ALL COUNTY PURPOSES; TO PROVIDE FOR THE EXPENDITURES OF SAID TAXES AND OTHER REVENUES COMING INTO THE COUNTY FOR THE FISCAL YEAR.”

“**BILL NO. 03-30**, AN ORDINANCE TO AMEND ORDINANCE NO. 99-7-41 IN ORDER TO ADOPT THE MOST RECENT VERSION OF THE NATIONAL ELECTRIC CODE AS MANDATED BY THE STATE OF SOUTH CAROLINA.”

It was moved by Councilmember Spooner and seconded by Councilmember Mims to approve **Bills Numbered 03-11, 03-20, 03-21, 03-22, 03-23, 03-24, 03-25, 03-26, 03-27, 03-28, 03-29, and 03-30** for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier read the one (1) Bill for First Reading and explained that there would be no discussion or vote on Bills for First Reading.

FIRST READING:

“**BILL NO. 03-31**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS THE APPROVED USES OF TMS #233-04-00-017.” (James Marksberry)

RESOLUTIONS:

“**RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKELEY COUNTY BUDGET OF COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.**”

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the Transfer Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-19 is attached to these Minutes.)

“RESOLUTION AUTHORIZING A PARKS AND RECREATION DEVELOPMENT GRANT APPLICATION ON BEHALF OF THE KITTFIELD COMMUNITY.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve the Kittfield Community Resolution.

Councilmember Mims asked would these types of grants hurt Municipalities?

Supervisor Rozier stated the Municipalities ask for grants but he didn't know whether there were any competing grants applications submitted. The Senators who make the decisions have recommended the proposed grant. He stated the County has agreed to the In-kind Service of \$1,000, which is our match with a \$5,000 grant.

Councilmember Steve Davis stated there would be no competitive match with Municipalities in reference to the rural aspects of the County. He stated he looks forward to the opportunity of presenting to County Council a reflection of the facilities that exist in the Kittfield Community.

The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-20 is attached to these Minutes.)

“RESOLUTION APPROVING THE FINANCING BY GOOSE CREEK RURAL VOLUNTEER FIRE DEPARTMENT OF UP TO \$621,834.00 FOR THE PURCHASE OF THREE FIRE TRUCKS.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the Resolution for Goose Creek Rural Fire Department. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-21 is attached to these Minutes.)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO SIGN ALL NECESSARY DOCUMENTS TO EFFECT THE TRANSFER OF THE PROPERTY KNOWN AS THE WANDO HEALTH CLINIC, TMS #263-00-01-007.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the Transfer of property Resolution. The motion passed by majority voice vote of Council with Councilmember Steve Davis voting “Nay.” (A copy of Resolution No. R 03-22 is attached to these Minutes.)

“RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS PROPERTY OF BERKELEY COUNTY.”

It was moved by Councilmember Pinckney and seconded by Councilmember Spooner to approve the Surplus Resolution. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-23 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman.

Councilmember Fish stated the Committee met on May 12 and earlier this evening and many of the matters before them had been taken care of.

On recommendation of the Committee Councilmember Fish moved to approve re-designation of lease purchase funds in the amount of \$4,217.00 for the purchase of a John Deere Lawn Mower for the Berkeley County Airport. (No Second Required.)

The motion passed by unanimous voice vote of Council.

Councilmember Fish stated Fred Bolz, Special Fire Tax Advisory Commission, provided the Committee additional information in regard to their request for a 3.5 mill fire fee increase. No action was taken. (That concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley stated the Committee met on May 12 and all matters before them had been taken care of on tonight's agenda. (That concluded Mr. Farley's report.)

COMMITTEE ON PURCHASING & PUBLIC WORKS, Mr. Caldwell Pinckney, Jr., Chairman.

Councilmember Pinckney stated the Committee met on May 12 and several of the matters before them had been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for Engineering Services for the 2003 Water Improvement project to **Engineering Resources Corporation** in the amount of \$634,548.00. (No Second Required.)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for uniform rental to **Rental Uniform Services** in the amount of \$43,890.08 per year. (No Second Required.)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for the purchase of a Flat Bed Dump Truck to **Pulliam Ford** in the amount of \$39,478.00. (No Second Required.)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Pinckney's report.)

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman.

Councilmember Mims stated the Committee met on May 12 and earlier this evening. All matters before them have been taken care of on tonight's agenda. (That concluded Mrs. Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis Chairman.

Councilmember Steve Davis stated the Committee met on May 12 and several of the matters before them have been taken care of on tonight's agenda.

On recommendation of the Committee Councilmember Steve Davis moved to approve the Cainhoy Sewer Service Agreement with the Commission of Public Works. (No Second Required.)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Steve Davis moved to approve a Public Hearing in regard to the sale of surplus property at Bonneau Beach. (No Second Required.)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Steve Davis' report.)

COMMITTEE ON PLANNING & DEVELOPMENT, Mr. Charles E. Davis, Chairman.

Councilmember C. Davis stated the Committee met on May 12 and all matters before them have been taken care of on tonight's agenda. (That concluded Mr. Charles Davis' report.)

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on May 12 and all matters before them had been taken care of on tonight's agenda. (That concluded Mrs. Spooner's report.)

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Mr. William E. Crosby, Chairman.

There were no **NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS, ETC.**

NO CORRESPONDENCE

UNFINISHED BUSINESS

Councilmember Spooner indicated several people from Pimlico had called her and also had received information in the mail regarding the Civic Club. She stated the Deputy Attorney informed her that there would be a meeting next week with the Chairman of the Special Tax District, and the Chairman of the Civic Club to discuss the issues, and she had asked to sit in on the meeting. Councilmember Spooner stated she felt confident that after this meeting things probably would be resolved.

NEW BUSINESS

Chairman Rozier stated the County would be awarded an FAA Grant in the amount of \$295,000 to purchase land for Runway 5's extension at the airport. The State's share would be \$16,389.00 and also, the County's share would be \$16,389.00. He stated he needs \$25,000 to accommodate the appraisals for the property. When the appraisal is completed the County would get 90 percent back from the Federal Government and 5 percent back from the State. The County's ultimate share of the appraisal would be \$1,250. He stated he was asking to use the \$25,000 up front to be reimbursed with the exception of \$1,250. The \$1,250 would come out of Contingency.

It was moved by Councilmember Pinckney and seconded by Councilmember Crosby to authorize the County Supervisor to use \$25,000 for appraisals of property. The motion passed by unanimous voice vote of Council.

Chairman Rozier stated that without objection he would ask that Council approve expenditure of \$22,500 from Contingency and authorize him to contract with Strategic Development Group, Inc. He stated the money would be used to perform an audit of all fee-in-lieu accounts with industries in Berkeley County to verify those numbers.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby that \$22,500 be taken from Contingency for verification of fee-in-lieu accounts in Berkeley County. The motion passed by unanimous voice vote of Council.

Chairman Rozier stated the next Regular Council Meeting would be held on Monday, June 16, 2003. Committee Meetings would be held on June 9, 2003.

It was moved by Councilmember Crosby and seconded by Councilmember Steve Davis to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting adjourned at 8:10 p.m. for Execution of documents and reconvened at 8:20 p.m. for Public Discussion.

PUBLIC DISCUSSION

Ms. Dianne Dixon of 1612 Windsor Lane, Pimlico, stated she was present to represent a concerned group of citizens from Pimlico regarding the Special Tax District Funds. She indicated she had provided a letter to Council entitled "Request for Community Support." The STD Board distributed the letter in the neighborhood. Either the Civic Club has not read the petition that is circulating or they are trying to directly mislead the neighbors as to why the petition is circulating. The back side of the letter has a section that is marked "A". Ms. Dixon stated, for the record their concerned group does not have a petition that states they want to do away with the STD funds. They do have a petition that requested that STD funds stay within the STD, which is utilized in accordance with the laws of Berkeley County Council. Their petition requests that the Civic Club no longer be able to obtain the STD funds. While there are ten thousands of dollars that have been held in CDs, they don't know the exact amount. She stated their entranceways; common areas and lake ways are deteriorating and look horrible. For a neighborhood that has that much funds available, surely funds could be utilized better than they have in the past. Ms. Dixon indicated remarks are made in the letter that insults other neighbors who had been questioning the use of STD funds. She stated she had been maintaining the front entranceway to Pimlico West. "I've bought the plants, the mulching, I've done the weeding, I bought the hedger, I bought the weed eater and at no time has a Civic Club member paid me a dime or came out to help me." Everybody who pays in the STD has already worked for that money.

Ms. Dixon referenced the worksheet attached to the letter and addressed the items for the operation of the Civic Club. The only benefits listed that are for the neighborhood is the Lawn Care Service, \$7,026; and Utilities (Electric & Water) \$2,000. All other items are costs for the operation of the Civic Club and a new building they seek to build. Their budget shows operating expenses of \$41,241.00 each year. The revenues are listed as \$26,950.00, which includes all of their available STD monies. Where is the remaining \$14,281 per year going to come from?

Ms. Dixon stated there are currently over 200 signatures on the petition for the change and how their funds are being used, and that they be used by the STD only. (A copy of the Ms. Dianne Dixon's letter entitled "Request for Community Support" is attached hereto and by this reference is made a part hereof.)

Ms. Dixon asked what would happen to the funds being held by the Civic Club in the past? Would they go back to the STD or to the residents that paid into that fund or would the Civic Club hold them separately?

Councilmember Spooner indicated she had been informed that the County Attorney has the opinion ready but is currently out of town and would like to be there when it is presented. She asked, in reference to the Yearly Civic Club Budget, where did the figures come from?

Ms. Dixon stated the figures are taken exactly from the Civic Club's Budget. The bottom figures are estimated STD intake and what's proposed.

Councilmember Crosby asked if the revenues from memberships an estimated or factual number?

Ms. Dixon stated the memberships are taken from the Civic Club's budget. It has gone up this year because many of their residents joined the Civic Club in an effort to stop what was going on with the funds. With the expenses shown, they are not even close to what is needed each year.

Mr. Ed Rodgers of 1912 Rockfish, Pimlico, stated the budget that the Civic Club put together was an annual budget that was coordinated with the STD. They knew the monies were high but they were drawing against their revenues. "With the creative accounting that was demonstrated, the Civic Club would like for her to run for treasurer and maybe she could help us some."

Mr. Gary Rodgers, 1600 British Drive, Pimlico, stated the money has been set aside and is not being used. It is Pimlico's money, not the Civic Club's. They are not in a banking situation to save money. He can understand saving a certain amount for emergencies, but other than that, "spend it."

Ms. Joyce Eckhardt, 1704 Trout Street, Pimlico, stated she was happy to see a lot of the people in Pimlico participating in things that have been brought to their attention. She stated she was concerned that so many people have not been a part of Pimlico all of these years. Ms. Eckhardt indicated that she and her husband bought a lot in Pimlico about five years ago and she started coming to the Pimlico Civic Club Meetings while their house was being built. Within a month after she moved there, she was on the Board of Directors because she was concerned and wanted to be a part of the community. She stated she wanted only the best for the community and the things they are planning to do are best for the community. The things that are proposed had been talked about five years ago. Some of the people had been living there for 20 years and have never participated. Ms. Eckhardt stated she hated to see strife between them and she wants things to be settled in a peaceful way.

The Public Discussion was declared ended at 8:00 P.M.

S/Barbara B. Austin
Clerk of County Council

June 17, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on Monday May 19, 2003, is scheduled to begin at 7:00 P.M., in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearing: Recommendations for Magistrates Courts	April 14, 2003
Public Hearing: CDBG Grant Application	April 28, 2003
Public Hearing Bill Numbered: 03-17 (BP Amoco)	April 28, 2003
Public Hearings Bills Numbered: 03-7, 03-8, 03-9	April 28, 2003
Regular Council Meeting	April 28, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

THIRD READING:

1. **Bill No. 03-12**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Jeffrey and Victoria Hall, 323 Garber Lane, Moncks Corner, TMS # 197-00-02-029 (10.57 acres), from R-2RF, Mobile Home Rural Farm Residential District, to F-1, Agricultural District. Council District No. 3.
[Recommended by Committee on Land Use]

2. **Bill No. 03-13**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Tyner Development, 290 Sangaree Parkway, Summerville, TMS #232-00-02-116 (8.66 acres), from OI, Office Institutional District, to R-1, Single Family Residential District. Council District No. 4.
[Recommended by Committee on Land Use]

3. **Bill No. 03-14**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Ralph E. Massenburg, Jr. for the Pinto Horse Association of America, Inc., Turtle Pond Road, Summerville, TMS #222-00-00-107 (9.96 acres), from F-1, Agricultural District, to GC, General Commercial. Council District No. 4
[Recommended by Committee on Land Use]

4. **Bill No. 03-15**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re Beverly A. Myzell, 2996 Old Gaillard, Holly Hill, TMS #095-00-00-027 (.28 acre portion, 18.00 acres total), from F-1, Agriculture District to RNC, Rural and Neighborhood Commercial District. Council District No. 7.
[Recommended by Committee on Land Use]

5. **Bill No. 03-17**, An Ordinance authorizing the execution and delivery of not exceeding 20,000,000 principal amount exempt facility industrial revenue bonds (BP Amoco Chemical Company Project) Series 2003, of Berkeley County, South Carolina; the application of the proceeds of said Series 2003 bonds to pay the cost of acquiring certain exempt facilities and facilities functionally related and subordinate thereto which comprise an industrial facility; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the aforesaid bonds, including, without limitation, an indenture of trust between Berkeley County and a trustee bank to be named, or any successor thereto securing the Series 2003 Bonds and prescribing matters related thereto and a loan agreement between Berkeley County and BP Amoco Chemical Company, and other matters relating thereto.
[Recommended by Committee on Finance]

6. **Bill No. 03-18**, An Ordinance authorizing the execution and delivery of a Fee-In-Lieu of Tax agreement and certain instruments relating thereto by and between Berkeley County and Marine Terminals of South Carolina, Inc., whereby, Berkeley County will enter into a Fee-In-Lieu of taxes arrangement with Marine Terminals of South Carolina, Inc.; providing for payment by Marine Terminals of South Carolina, Inc. of certain Fees-In-Lieu of Ad Valorem taxes; and other matters relating thereto.
[Recommended by Committee on Finance]

7. **Bill No. 03-19**, An Ordinance to amend Ordinance No. 02-6-23, adopted June 24, 2002, to provide for Supplemental Appropriations and allocations thereof within the 2002-2003 Budget for Berkeley County; and other matters pertaining thereto.
[Recommended by Committee on Finance]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 03-11**, an Ordinance to amend Chapter 7 of the Code of Ordinances, Berkeley County, South Carolina, to provide for the regulation of the use of Public and Private

Water Distribution Systems and Wastewater Collection, treatment, and disposal systems and providing penalties for violations thereof.

[Recommended by Committee on Water and Sanitation]

2. **Bill No. 03-20**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Lyde Bailey for Teddy & Mary Caddel and Daniel & Sharon Hunter, 200, 202 & 206 Berkeley Circle, Summerville, TMS #232-00-01-013, 014, 015, 016, & 017, (5 lots) from R-2, Mobile Home Residential District, to GC General Commercial District. Council District No. 4.

[Recommended by Committee on Land Use]

3. **Bill No. 03-21** an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Steve Davis, 1868 Cainhoy Road, Huger, TMS 256-00-00-024, (2.07 acre portion, 90 acres total), from GC, General Commercial District & R-2, Mobile Home Residential District, to R-2, Mobile Home Residential District. Council District No. 8.

[Recommended by Committee on Land Use]

4. **Bill No. 03-22**, An Ordinance to amend Section I of Ordinance No. 80-3-8 to modify requirements for appointments to the Berkeley County Aeronautics Commission.

[Recommended by Committee on Community Services]

5. **Bill No. 03-23**, An Ordinance providing for the adoption of fiscal year 2003-2004 (beginning July 1, 2003 and ending June 30, 2004) budgets for the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund; establishing operational, debt service, and capital improvement budgets for Water and Sewer; and to provide for the expenditures of revenues coming into the Berkeley County Water and Sanitation Authority and the Berkeley County Water and Sanitation Authority Solid Waste Fund during the fiscal year, and to amend the Code of Ordinances, Berkeley County, South Carolina, setting rates, charges and penalties for Water and Sewer and Solid Waste Service by the Berkeley County Water and Sanitation Authority.

[Recommended by Committee on Water and Sanitation]

6. **Bill No. 03-24**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Devon Forest Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Devon Forest Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

7. **Bill No. 03-25**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Pimlico Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Pimlico Special Tax District

[Recommended by Committee on Finance]

8. **Bill No. 03-26**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Sangaree Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

9. **Bill No. 03-27**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the Tall Pines Special Tax District operational budget; and to provide for the expenditures of the revenues received by the Tall Pines Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

10. **Bill No. 03-28**, An Ordinance providing for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for the operational budget of the Berkeley County Special Fire Tax District within the unincorporated portions of Berkeley County; and to provide for the expenditures of the revenues received by the Special Fire Tax District during the fiscal year.

[Recommended by Committee on Finance]

11. **Bill No. 03-29**, An Ordinance providing appropriations for the fiscal year beginning July 1, 2003, and ending June 30, 2004, for Berkeley County; to provide for levy of taxes on all taxable property in Berkeley County for all county purposes; to provide for the expenditures of said taxes and other revenues coming into the county for the fiscal year.

[Recommended by Committee on Finance]

12. **Bill No. 03-30**, An Ordinance to amend Ordinance No. 99-7-41 in order to adopt the most recent version of the National Electric Code as mandated by the State of South Carolina.

[Recommended by Committee on Planning and Development.]

FIRST READING:

1. **Bill No. 03-31**, an Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: James Marksberry, 922 College Park Road, Summerville, TMS #233-04-00-017, (1 acre) from R-1, Single Family Residential to GC, General Commercial District. Council District No. 4.

[Recommended Committee on Land Use]

RESOLUTIONS:

1. **RESOLUTION** providing for the Transfer of Funds in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. **RESOLUTION** authorizing a Parks and Recreation Development Grant application on behalf of the Kittfield Community.

[Recommended by Committee on Community Services]

3. **RESOLUTION** approving the financing by Goose Creek Rural Volunteer Fire Department of up to \$621,834.00 for the purchase of three fire trucks.

[Recommended by Committee on Justice and Public Safety]

4. **RESOLUTION** authorizing the County Supervisor to sign all necessary documents to effect the transfer of the property known as the Wando Health Clinic, TMS Number 263-00-01-007.

[Recommended by Committee on Finance]

5. **RESOLUTION** authorizing Disposition of Surplus Property of Berkeley County.

[Recommended by Committee on Public Works & Purchasing]

REPORTS FROM STANDING COMMITTEES:

1. Committee on Finance.
Councilmember, Mr. Dennis L. Fish, Chairman.
 - a. Re-designation of lease purchase funds – Airport.
2. Committee on Land Use.
Councilmember, Mr. Milton Farley, Chairman.
3. Committee on Public Works and Purchasing.
Councilmember, Caldwell Pinckney, Jr., Chairman.
Bids and recommendations
 - a. Engineering Services for 2003 Water Improvement project.
 - b. Uniforms bid.
 - c. Flat bed truck.
4. Committee on Justice and Public Safety.
Councilmember, Mrs. Judy C. Mims, Chairman
5. Committee on Water and Sanitation.
Councilmember, Mr. Steve C. Davis, Chairman.
 - a. Cainhoy Sewer Service Agreement with Commission of Public Works.
 - b. Request from Lake Moultrie Fire Department.
6. Committee on Planning and Development.
Councilmember, Mr. Charles E. Davis, Chairman.
7. Committee on Community Services.
Councilmember, Mrs. Judith K. Spooner, Chairman.

8. Committee on Human Services.
Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY-CHARLESTON-DORCHESTER – RTMA
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
LIBRARY BOARD
MENTAL HEALTH BOARD
SANGAREE SPECIAL TAX DISTRICT
SANTEE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TALL PINES SPECIAL TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

FFA Grant for Airport: Matching funds.

ANNOUNCEMENTS

The JUNE 2003, Regular Meeting of Berkeley County Council will be held on
MONDAY JUNE 16TH 2003, in THE ASSEMBLY ROOM, 223 NORTH LIVE
OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

May 14, 2003
S/Barbara B. Austin
Clerk of County Council